



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, MARCH 1, 2007
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Chairperson Hughes called the regular meeting to order at 6:12 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. Robert Horton, Mr. Art Hughes, Mr. G.H. Jones, Mr. Don Maxwell (Parliamentarian).

Commission members absent were: Mr. Michael Parks (excused).

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. John Dean, Transportation Planner; Mr. Randy Haynes, Staff Planner; Ms. Janis Hampton, Assistant City Attorney; and Ms. Charmaine McKinzie, Planning Recorder.

Chairperson Hughes announced that agenda item #5, a request for approval of a Conditional Use Permit to allow an office-showroom/warehouse use at 3125 South Texas Avenue (case no. CU 07-01), had been withdrawn by the applicant. Mr. Hughes stated that the case was considered closed and that there would be no public hearing on the matter.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

Commissioner Maxwell filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding regular agenda item #7, Rezoning RZ07-12. Commissioner Maxwell will not participate in deliberation or voting on this agenda item.

4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)

A. Approval of minutes from the workshop and regular meeting on February 1, 2007.

B. CONSIDERATION – Final Plat FP07-04

M. Zimmermann

Proposed final plat of Tiffany Park Subdivision – Phases 13 thru 15, consisting of 19.141 acres of land located between Brockhampton Drive and Park Hampton Drive in Bryan, Brazos County, Texas.

C. CONSIDERATION – Master Plan MP05-07

M. Zimmermann

Proposed amended master preliminary plan of Riverstone Subdivision, consisting of 75.79 acres of land adjoining the northwest side of F.M. 1179 between Oak Forest and Copperfield Drives in the extraterritorial jurisdiction (ETJ) of Bryan, Brazos County, Texas.

D. CONSIDERATION – Final Plat FP06-18

M. Zimmermann

Proposed final plat of Riverstone Subdivision, consisting of 75.79 acres of land adjoining the northwest side of F.M. 1179 between Oak Forest and Copperfield Drives in the extraterritorial jurisdiction (ETJ) of Bryan, Brazos County, Texas.

E. CONSIDERATION – Master Plan MP07-01

M. Zimmermann

Proposed revised master plan of Stone Creek Farms Subdivision, consisting of 252.128 acres of land adjoining the southeast side of F.M. 1179 between Planters Loop and Easterling Drive in the extraterritorial jurisdiction (ETJ) of Bryan, Brazos County, Texas.

Commissioner Jones moved to approve the Consent Agenda. Commissioner Bond seconded the motion.

Chairperson Hughes asked if there were any discussion.

There was none.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF CONDITIONAL USE PERMIT (Commission has final approval on the Conditional Use Permit; appeals may be directed to City Council.)

5. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU07-01

J. Fulgham

A request for conditional use permit to allow an Office-showroom/warehouse use in a Retail (C-2) District, specifically at 3125 South Texas Avenue, Suite 1700 of the Tejas Center, Lot 1 of the Tejas Center Subdivision in Bryan, Brazos County, Texas.

Chairperson Hughes reiterated that this item had been withdrawn by the applicant and that there would be no public hearing on the matter.

REQUEST FOR APPROVAL OF VARIANCE (Commission has final approval; appeals may be directed to City Council.)

6. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-08

J. Dean

A request to allow head in parking on South Texas Avenue for Lot 2, Block 1 of the North Oakwood Subdivision, located at 3828 South Texas Avenue in Bryan, Brazos County, Texas.

Mr. John Dean, Transportation Planner, presented a staff report (on file in the Development Services Department). Mr. Dean stated that the applicant acquired this property during 2005; during the change of tenant/ownership process, City staff informed the applicant that the four existing head-in parking spaces on Texas Avenue would need to be closed. The applicant applied to the Planning and Zoning Commission for a variance to this requirement. Prior to the public hearing, the applicant submitted a letter to City staff which stated that if the direction of the Planning and Zoning Commission was to close the head-in parking, the head-in parking would be closed no later than 90 days after the hearing. At the public hearing dated October 13, 2005, this request was presented to the Planning and Zoning Commission, where it received a vote of denial. City staff informed the applicant of this decision; however, despite the above mentioned letter from the applicant, the parking remained open.

City of Bryan Code Enforcement Officers notified the owner that the property was in violation of City Ordinances and must close parking immediately. The applicant temporarily closed the parking, and submitted another request for variance to the Planning and Zoning Commission. The newest request differs from the previous request in that it seeks to reduce the number of parking spaces on Texas Avenue to three and to change the angle of these spaces.

On December 28, 2006 City staff met with the applicant where various alternatives were discussed. The applicant acknowledged that those options were viable alternative, but he still wished to pursue the variance to allow three head-in angled spaces in front of the building.

On January 18, 2007, this case was presented to the Planning and Zoning Commission, where the request was denied. Subsequently, it was determined that, due to the records obtained from the Brazos County Appraisal District, there was an error in the public notification of this request, and applicant requested that the case be presented to the Commission again.

While staff acknowledges the impacts that the removal of head-in parking may or may not have on the applicant's business, the overwhelming safety concerns that this type of parking creates cannot be ignored; therefore, staff recommends denial of this request. No one had any questions for Mr. Dean.

The public hearing was opened.

Mr. Burkey Turk of 11 Raven Drive, Bryan, Texas, applicant, came forward to speak in favor of the request. Mr. Turk explained that he understood safety was an issue. He had contacted the Police Department and found out that there has been no accident in reference to this address in at least the past 10 years. Mr. Turk at this point showed a video of backing out and getting back on to Texas

Avenue from his establishment. He also advised that 80% of his business is mail order, and that when he has customers they need the head-in parking, so that his customers can have an easier time carrying in there computers to get repaired.

Responding to questions from the Commission, Mr. Turk advised that he was not told about the parking problem when he bought the property and that the public alley to the south of the property was overgrown.

Mr. Dave Berry, of 2500 Morris Lane, Bryan, Texas, came forward to speak in favor of the request. He stated that he is a customer of Mr. Turk's and that it would have been a real inconvenience if he would have had to park in the back, and carry his computer up to the front of the building.

Ms. Carolyn Turk, of 11 Raven Drive, Bryan, Texas, applicant, came forward to speak in favor of the request. She advised the Commission that they have 12 employees and they all park in the back so therefore the back parking lot is full.

The public hearing was closed.

Commissioner Beckendorf moved to approve Planning Variance PV07-08, as requested, with the proposed reconfiguration of head-in parking spaces off Texas Avenue from 4 to 3, based on the finding that there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there were any discussion.

Commissioner Beckendorf stated he appreciated business on Texas Avenue.

Commissioner Bond stated that he visited the site and had no problem backing out onto Texas Avenue.

Commissioner Clark stated that he agrees going from 4 parking spaces to 3.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)

Chairperson Hughes advised that Commissioner Maxwell has filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding the following regular agenda item #7, Rezoning RZ07-12. Commissioner Maxwell will not participate in deliberation or voting on this agenda item.

7. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-12

R. Haynes

A request to change the zoning classification from RD-7 (Residential District – 7000) to R-NC (Residential Neighborhood Conservation) District on 134 lots in the Culpepper Manor Subdivision – Phase 2, located around and along Wayside Drive, Burton Drive and Morris Lane between Ethel Drive and East Villa Maria Road in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented the staff report (on file in the Development Services Department). Mr. Haynes stated that the property owners within Culpepper Manor Subdivision – Phase 2 have submitted a complete petition for a City-initiated zoning change from RD-7 to R-NC District on all 134 lots in this subdivision. Most of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving R-NC zoning for all eligible lots in this subdivision phase, as requested.

The public hearing was opened.

Ms. Charlene Clark, of 2304 Burton Drive, Bryan, Texas came forward to speak in favor of the request. She advised the Commission that 86 owners in the subdivision were in favor of the rezoning. Ms. Clark also wanted to let the City of Bryan know she appreciated all there help.

Mr. Andrew Colman, of 2302 Wayside Drive, Bryan, Texas came forward to speak against the request. He advised the Commission that his parents had bought the house for him and his brothers while they attend college. Mr. Coleman also stated he currently has three roommates to help out with the bills and explained that they have put in a lot of money into remodeling the house.

Mr. David Barry, of 2500 Morris Lane, Bryan, Texas came forward to speak in favor of the request.

Mr. Bob Stepanovic, of 1103 Esther Boulevard, Bryan, Texas came forward to speak in favor of the request.

The public hearing was closed.

Commissioner Jones moved recommend approval of Rezoning RZ07-12, as requested, accepting the findings of staff. Commissioner Horton seconded the motion.

Chairperson Hughes asked if there were any discussion.

Commissioners Davila, Bond, and Jones expressed their appreciation to those citizens that came to state their opinions on the rezoning.

Commissioner Clark stated that loss of value is often a mindset and not a realty.

Chairman Hughes stated that often the responsible homeowners are carrying the irresponsible homeowners.

The motion passed with a unanimous vote. Commissioner Maxwell did not participate in deliberation or voting on this agenda item due to a conflict of interest.

8. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-13

R. Haynes

A request to change the zoning classification from RD-7 (Residential District – 7000) to R-NC (Residential Neighborhood Conservation) District on 30 lots in Lester's Windover Place – Phase 2, located around and along Oxford Drive between Bristol Street and Kent Street in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the property owners within Lester's Windover Place No. 2 have submitted a complete petition for a City-initiated zoning change from RD-7 Residential District –

7000 to R-NC Residential Neighborhood Conservation District on all 30 lots in this subdivision. Most of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving R-NC zoning for all eligible lots in this subdivision phase, as requested.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of Rezoning RZ07-13, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

9. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-14

R. Haynes

A request to change the zoning classification from A-O (Agricultural-Open) District to C-2 (Retail District) on a 0.670 acre tract of land adjoining the south side of Boonville Road in the John Austin League, A-2, in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented the staff report (on file in the Development Services Department). Mr. Haynes stated that the applicant is requesting a change of the zoning classification from Agricultural – Open District (A-O) to Retail District (C-2) for 0.670 acres of land adjacent to the intersection of Boonville Road and Tom Light Drive. The reason for the requested change is to make the property more marketable. Currently, this tract of land is undeveloped. Staff recommends approving the proposed change to a C-2 Retail District on all land encompassed by this request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Bond moved to recommend approval of Rezoning RZ07-14, as requested, accepting the findings of staff. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

10. COMMISSION CONCERNS

Commissioner Bond thanked the City Secretary's office and the Legal Department for all the work they have done in conjunction with requests for Residential Neighborhood Conservation Districts.

11. ADJOURN

Without objection, Chairperson Hughes adjourned the meeting at 7:20 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 5th day of **April, 2007**.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission